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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

BANC OF AMERICA PRACTICE
SOLUTIONS, INC., as servicer for BANK OF
AMERICA, successor by merger and acquisition
to MBNA AMERICA (DELAWARE), N.A.,
assignee of Sky Bank, and as agent for U.S. Bank
Trust National Association,

Plaintiff,

v.

WEST 86TH STREET DENTISTRY, PC AND
NKEMJIKA S. OBIECHINA, DMD,

Defendants.

Civil Action No. 1:07-cv-04752-LTS

**AFFIDAVIT OF
BRYAN MURPHY
IN FURTHER SUPPORT OF ORDER
TO SHOW CAUSE FOR AN ORDER
OF SEIZURE PURSUANT TO CPLR
7102, MADE APPLICABLE BY FED.
R. CIV. P. 64**

BRYAN MURPHY, being duly sworn, deposes and says:

1. I am employed as a Portfolio Manager by Banc of America Practice Solutions, Inc. (hereinafter "BOA" or "Plaintiff") and, as such, I am fully familiar with the facts and circumstances of this action. I submit this Affidavit in support of BOA's Order to Show Cause for an Order of Seizure, as provided for in CPLR 7102, made applicable by Fed. R. Civ. P. 64. Specifically, I submit this affidavit in order to address the value of the Collateral (as defined in

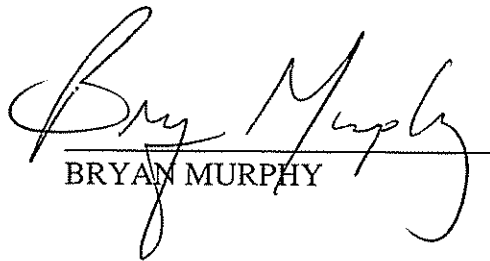
the Complaint) which BOA seeks to recover. I understand this information is necessary in order to ascertain an appropriate undertaking pursuant to CPLR 7102.

2. By way of brief background, BOA's primary area of business is providing financing, consulting and other services to dental practices throughout the United States.

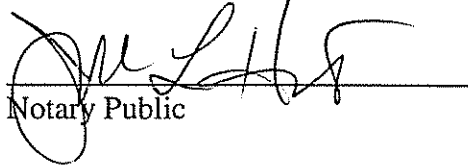
3. As a Portfolio Manager, I primarily manage delinquent/troubled loans. In this capacity, I am frequently called upon to recover equipment on behalf of BOA, from dental practices such as the practice operated by Dr. Obiechina. Dr. Obiechina's dental practice contains two operatories. The primary equipment BOA seeks to recover is listed on invoices attached hereto as Exhibit "A" (the "Equipment"). I have visited Dr. Obiechina's office several times and I am familiar with the equipment located therein.

4. While the invoiced price for the Equipment is approximately \$79,000.00, the value of dental equipment erodes quickly upon usage and over time. Based upon my experience, used equipment from a dental practice with two operatories such as the practice of Dr. Obiechina will sell for approximately \$15,000.00. The remaining office related equipment has de-minimis value. As such, in my opinion, an equipment value of \$15,000.00 should be used in determining the amount of the undertaking.

WHEREFORE, the deponent respectfully requests that this Court issue an Order directing the U.S. Marshal for this District, or other law enforcement officer to seize the subject Collateral described herein, and for that purpose, if the subject Collateral is not delivered to him, to break open, enter and search for the subject Collateral in the place where the Collateral may be and hold same for Plaintiff.


BRYAN MURPHY

Sworn to and Subscribed before me
this 1st day of October, 2007


Notary Public



JOSEPH L. HEETER
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION HAS NO EXPIRATION